

**RESOLUTION URGING SUPPORT OF  
FEDERAL LAW PROHIBITING PARTIAL  
BIRTH ABORTION**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Brad King**

---

**LONG TITLE**

**General Description:**

This joint resolution of the Legislature requests that Utah's Attorney General file an amicus brief in support of the federal law banning partial birth abortion.

**Highlighted Provisions:**

This resolution:

- requests that the Utah Attorney General file an amicus brief in support of the constitutionality of the federal law banning partial birth abortion; and
- urges that no state funds be expended to defend the federal law, which is being defended by the federal government.

**Special Clauses:**

None

---

*Be it resolved by the Legislature of the state of Utah:*

WHEREAS, a law that would prohibit partial birth abortion has been passed by the United States Congress, signed into law by President Bush, and is currently in effect;

WHEREAS, this legislation prohibits partial birth abortion in Utah and the rest of the United States;

WHEREAS, the constitutionality of the federal law has been challenged in the courts and the court proceedings are likely to be lengthy and expensive;



28 WHEREAS, the federal government is better financed than the state of Utah to defend  
29 this legislation;

30 WHEREAS, Utah is experiencing a budget crisis and has had to cut programs, staff,  
31 and state agencies in order to balance its budget; and

32 WHEREAS, Utah should not spend its limited resources defending the constitutionality  
33 of partial birth abortion laws when the federal government is already defending the same partial  
34 birth abortion ban:

35 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
36 requests that Utah's Attorney General file an amicus brief in support of the federal law,  
37 currently in litigation, which bans partial birth abortion.

38 BE IT FURTHER RESOLVED that the Legislature urges that no state funds be  
39 expended to defend the federal law banning partial birth abortion.

40 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of  
41 the United States, the Majority Leader of the United States Senate, the Speaker of the United  
42 States House of Representatives, and to the members of Utah's congressional delegation.

---

---

**Legislative Review Note**

**as of 2-4-04 11:30 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

---

**Fiscal Note****Bill Number HJR019****Resolution Urging Support of Federal Law Prohibiting Partial Birth  
Abortion***12-Feb-04**10:04 AM*

---

**State Impact**

Provisions of this resolution can be handled within existing budgets.

---

**Individual and Business Impact**

No fiscal impact.

---

**Office of the Legislative Fiscal Analyst**